



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/220,953	03/31/94	BERIONT	W 903816CON1

LEONARD CHARLES SUCHYTA
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LM11/0202

EXAMINER

WEBSTER, B

ART UNIT	PAPER NUMBER
2731	16

DATE MAILED: 02/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Defective Notice of Appeal or Brief

Application No.
08/220,953

Applicant(s)
Beriont et al.

Examiner
Bryan Webster

Group Art Unit
2731



☐ The Notice of Appeal filed on _____ is:

☐ not acceptable because:

☐ it was not timely filed.

☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).

☐ the appeal fee received on _____ was not timely filed.

☐ the submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ _____.

☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.

☐ a Notice of Allowability, form PTO-37, was mailed by the Office on _____.

☒ The appeal brief filed on Oct 18, 1995 is NOT acceptable for the reason(s) indicated below:

X See Attachment

☐ The brief and/or brief fee is untimely. See 37 CFR 1.192.

☐ The statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).

☐ The submitted brief fee of \$ _____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ _____.

The appeal in this application will be dismissed unless corrective action is taken. Extensions of time may be obtained under 37 CFR 1.136(a).

☐ The appeal in this application is DISMISSED because:

☐ The fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ The brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ Because of the dismissal of the appeal, this application:

☐ is abandoned because there are no allowed claims.

☐ is being returned to the examiner for final disposition because it contains allowed claims. Prosecution on the merits is CLOSED.

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SUPPLEMENTAL ACTION

1. In response to the order remanding to the examiner application No. 08/220,953 (Appeal No. 96-2381), the examiner is required to firstly, resolve the issue of the “real party in interest” and “related appeals and interferences”, and secondly, notify the appellants of whether or not the Notice of Acceptance has been entered.

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37

CFR 1.192©

2. The brief does not contain a heading identifying the real party in interest as required by 37 CFR 1.192(c)(1).

3. The brief does not contain a heading identifying the related appeals and interferences directly affected by or having a bearing on the decision in the pending appeal as required by 37 CFR 1.192(c)(2).

The applicant is required, per the orders of the Board of Appeals to file a revised or supplementary Appeal Brief correcting these errors.

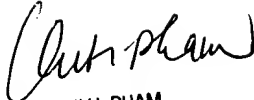
4. With regards to the second portion of the remand order dated 12/21/98, with orders the examiner to notify the appellants in writing of the entry or non-entry of the Notice of Acceptance (Paper No. 26), the examiner, hereby, notifies that the power of attorney has been accepted, as clearly indicated in the Notice of Acceptance mailed 12/05/96.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Webster whose telephone number is (703) 308-6607.

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CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700 1/28/99

Bwebster

January 27, 1999